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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,981	01/28/2002	Julian Bowron	41554-0011	6718

7590

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/055,981	BOWRON, JULIAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	James O. Hansen	3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 9,10,14,16-20,26,29,30,32 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,11-13,15,21-25,27,28 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Election/Restrictions***

1. Claims 19-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 7, 2005.
2. Claims 14, 16-18, 26 & 29-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 31, 2005. It is noted that claims 16-18 & 29-30 have been additionally withdrawn by the examiner in view of applicant's withdrawn claims 14 & 26 since claims 16-18 are dependent upon the withdrawn claim 14 and claims 29-30 are dependent upon the withdrawn claim 26.
3. Applicant's election with traverse of Group R-I in the reply filed on September 7, 2005 is acknowledged. The traversal is on the ground(s) that the process for using the product as claimed is limited to the product of claim 1 since the language defining the product of claim 1 has been incorporated into claims 32 and 33. This is not found persuasive because the inventions are distinct for the reasons given in the requirement and have acquired a separate status in the art as shown by their different classification, accordingly, restriction for examination purposes as indicated is deemed proper. Accordingly, the requirement is made FINAL.
4. Applicant's election with traverse of Sub-Group B in the reply filed on May 31, 2005 is acknowledged. It is noted that applicant did not submit arguments in support of the traversal. Accordingly, a lack of arguments cannot be viewed as being

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persuasive. As such, the requirement is still deemed proper and is therefore made FINAL.

5. Newly submitted claims 32-33 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The method of modifying a kiosk has been previously restricted and non-elected by applicant.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32-33 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-6 & 28 are rejected under 35 U.S.C. 102(b) as being anticipated by St. George et al., [U.S. Patent No. 3,643,020]. St. George (figure 1-2) teaches of an “automated kiosk” [“kiosk” in the generic sense – structure with a display screen] comprising: an inherent cabinet (receiving cabinet – note background); a face frame (3) releasably securable to the cabinet; a plurality of cross members (three – 21’s, 33 & 26), at least one of the cross members (21) secured to the face frame (fig. 1), at least one of the cross members (21 or 33) releasably securable in a plurality of configurations in relation to the face frame [the members may be unsecured and re-secured in another position along the frame for example – so far as broadly recited]; and a plurality of

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hardware components (tube and 27 – so far as “hardware components” is broadly recited) releasably secured to the cross members. As to claim 2, the hardware components are sized and configured such that they project directly inward into the cabinet when the face frame is secured to the cabinet [note the direction of the components as shown in fig. 2). As to claim 4, at least another (26) of the cross members is releasably securable to another cross member (33) in the plurality of cross members. As to claim 5, the at least one releasably securable cross member is releasably securable at each end (left end or right end for example) thereof to the face frame. As to claim 6, the kiosk further comprising a faceplate (viewed as the angled plate on member 33) secured to at least one of the cross members, wherein at least one of the hardware components (27) is secured to the faceplate such that the at least one of the components is secured to the cross member indirectly (via member 35 for example). As to claim 28, at least on the cross members (21) is releasably secured along a lateral axis (horizontal portion) of the face frame, and at least one of the cross members (different 21) is releasably secured along a longitudinal axis (vertical portion) of the face frame, the secured cross members forming a configurable peripheral grid for releasably securing the components.

8. Claims 1-6, 8, 21-22 & 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojima [U.S. Patent No. 5,363,150]. Kojima (figure 1-5) teaches of an “automated kiosk” [“kiosk” in the generic sense – structure with a display screen] comprising: a cabinet (2); a face frame (1) releasably securable to the cabinet; a plurality of cross members (elements forming 3), at least on of the cross members secured to the face frame (fig. 1), at least one of the cross members releasably securable in a plurality of configurations in relation to the face frame [the members

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are interchangeable with each other for example – so far as broadly recited]; and a plurality of hardware components (components 8's) releasably secured to the cross members via member (5). As to claim 2, the hardware components are sized and configured such that they project directly inward into the cabinet when the face frame is secured to the cabinet [note the direction of the components as shown in fig. 2). As to claim 3, one edge (top edge) of the face frame is “hinged” to a corresponding edge of the cabinet via (1c & 2a). As to claim 4, at least another (top, corner or side member of U-shaped cross member frame) of the cross members is releasably securable to another cross member (a different one) in the plurality of cross members. As to claim 5, the at least one releasably securable cross member is releasably securable at each end (left end or right end for example) thereof to the face frame. As to claim 6, the kiosk further comprising a faceplate (5) secured to at least one of the cross members, wherein at least one of the hardware components is secured to the faceplate such that the at least one of the components is secured to the cross member indirectly. As to claim 8, a main frame (4) is secured to the face frame, at least another (corner) of the cross members is secured to the main frame such that at least another (center top or bottom foot) of the cross members is secured to the face frame indirectly. As to claims 21-22, the cross members define a plurality of spaced apart holes (see fig. 1 for example) for receiving a fastener, and the holes are spaced at predetermined intervals. As to claim 28, at least on the cross members (one of the three beams) is releasably secured along a lateral axis (horizontal portion) of the face frame, and at least one of the cross members (different beam) is releasably secured along a longitudinal axis (vertical portion) of the face frame, the secured cross members forming a configurable peripheral grid for releasably securing the components.

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9. Claims 11-13 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramachandran et al., [U.S. Patent No. 5,483,047]. Ramachandran (figure 1-30) teaches of an “automated kiosk” [“kiosk” in the generic sense – structure with a display screen] comprising: a cabinet (40); a face frame/door (18) releasably securable to the cabinet; and a plurality of hardware components (note fig. 1) secured to the face frame. As to claims 12-13, the door is configured to allow access to the components. As to claim 15, the components are sized and configured such that they project directly into the cabinet when the frame is secured to the cabinet as readily apparent to the examiner.

10. Claims 1-2, 4-8 & 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al., [U.S. Patent No. 6,082,616]. Lewis (figure 1-10) teaches of an “automated kiosk” [“kiosk” in the generic sense – structure with a display screen] comprising: a cabinet (12); a face frame (32) releasably securable to the cabinet; a plurality of cross members (62, 64 and arm elements perpendicular to member 70 for example), at least one of the cross members secured to the face frame (fig. 4), at least one of the cross members (64) releasably securable in a plurality of configurations in relation to the face frame [the member capable of being rotated 180 degrees for example – so far as broadly recited]; and a plurality of hardware components (48, 66, 38) releasably secured to the cross members. As to claim 2, the hardware components are sized and configured such that they project directly inward into the cabinet when the face frame is secured to the cabinet [note the direction of the components as shown in fig. 1]. As to claim 4, at least another (62) of the cross members is releasably securable to another cross member (64) in the plurality of cross members. As to claim 5, the at least one releasably securable cross member is releasably securable at each

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end (left end or right end for example) thereof to the face frame. As to claim 6, the kiosk further comprising a faceplate (now viewed as being element 62 – it is noted that element 62 would then be excluded from being a possible cross member as noted in claim 1 – only 64 and arm elements now) secured to at least one of the cross members (64), wherein at least one of the hardware components (48) is secured to the faceplate such that the at least one of the components is secured to the cross member indirectly. As to claim 7, one of the components is a keyboard (48) and the keyboard is secured to the face frame indirectly by a housing (58) and the housing is secured to the face frame. As to claim 8, a main frame (70) is secured to the face frame, at least another (bottom arm) of the cross members is secured to the main frame such that at least another (top arm) of the cross members is secured to the face frame indirectly. As to claims 21-22, the cross members define a plurality of spaced apart holes (see figures for example) for receiving a fastener, and the holes are spaced at predetermined intervals.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 23-25, 27 & 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. Lewis teaches applicant's inventive claimed structure as disclosed above, including a faceplate (42); but does not show a plurality of faceplates or show various gaskets utilized for providing a seal between the faceplates



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and the cross members. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the assembly of Lewis so as to employ more than one faceplate and sealing gaskets because it has been held that mere duplication of the essential working parts (additional faceplates – replacement ones for example) of a device involves only routine skill in the art, while the incorporation of a conventional gasket between the faceplate and the cross members would provide a weather tight seal as is known in the art. Since the incorporation of a gasket is not functionally related in a new or unobvious way to the structure upon which it is located, the claimed gasket is not germane to patentability and therefore does not represent a distinction over the prior art.

#### ***Response to Arguments***

13. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ramachandran et al., 5,788,348 describes a kiosk assembly.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

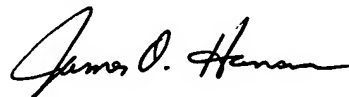
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen  
Primary Examiner  
Art Unit 3637

JOH  
December 9, 2005